

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COLE YOUNG BAD HAWK,

Defendant.

CR-18-69-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 21, 2021. (Doc. 70.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 17, 2021. (Doc. 65.) The United States accused Bad Hawk of violating his conditions of supervised

release 1) by committing another crime; 2) by using methamphetamine; 3) by consuming alcohol on two separate occasions; and 4) by failing to complete his sober living treatment plan. (Doc. 62.)

At the revocation hearing, Bad Hawk admitted to violating the conditions of his supervised release 1) by using methamphetamine; 2) by consuming alcohol on two separate occasions; and 3) by failing to complete his sober living treatment plan. Judge Johnston dismissed alleged violation 1 on the government's motion. (Doc. 65.) Judge Johnston found that the violations Bad Hawk admitted proved to be serious and warranted revocation, and recommended that Bad Hawk receive a custodial sentence of 8 months with no supervised release to follow. (Doc. 70.) Bad Hawk was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 65.) The violations prove serious and warrant revocation of Bad Hawk's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 70) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Cole Young Bad Hawk be sentenced to the custody of the United States Bureau of Prisons for 8 months, with no supervised release to follow.

DATED this 6th day of July, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court

